

# Legislative Fiscal Bureau

## Fiscal Note

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SF 2146 - Terrorism - Class A Felony (LSB 5161 SV)

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Fiscal Note Version - New

Requested by Senator Maddox

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### **Description**

Senate File 2146 defines terrorism and provides that a person who kills another while participating in an act of terrorism commits a Class A felony. The Bill changes the name of the current criminal offense of "terrorism" to "intimidation with a dangerous weapon." The Bill enhances the penalty for intimidation with a dangerous weapon, with intent to injure, from a Class C felony to a Class B felony. Senate File 2146 enhances the penalty for intimidation with a dangerous weapon, without intent to injure, from a Class D felony to a Class C felony.

### **Assumptions**

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections' practices and policies will not change over the projection period.
3. The law will become effective July 1, 2002. A lag effect of six months is assumed, from the effective date of the change in the law to the date of first entry of affected offenders into the correctional system.
4. The analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court information. Conviction and penalty information is based on FY 2001 data.
5. There is no significant correctional or fiscal impact due to the proposed Class A felony offense. Homicides while participating in a forcible felony are already punishable by life in prison without parole. Under current law, Class C and Class D terrorism offenses are forcible felonies.
6. There were 12 convictions for Class D felony terrorism in FY 2001; of these, 6 (50.0%) were granted probation. There were 12 convictions for Class C felony terrorism in FY 2001, of these, 1 (8.0%) was granted probation.
7. Under SF 2146, Class D felony terrorism becomes a Class C felony. There will be 12 convictions annually for this Class C felony; it is assumed that 8.0% (one) person will be granted probation. Under the Bill, Class C felony terrorism becomes a Class B felony. There will be 12 convictions annually for this Class B felony; it is assumed that no probation sentences will be granted.
8. Admissions to State prison assumes that the number of offenders currently being sentenced to Community-Based Corrections (CBC) probation supervision will now be sentenced to prison.
9. Average length of stay in prison for a Class B felony is 87 months, based on FY 2001 data. The average length of stay in prison for a Class C felony is 51 months. The average length of stay in prison for a Class D felony is 25 months. The marginal cost per day for State prisons is \$16 per inmate.
10. Average length of stay on parole for a Class B felony is 36 months. The average length of stay on parole or probation for a Class C felony is 30 months. The average length of stay for a Class D felony on parole or probation is 29 months. The marginal cost per day for parole and probation supervision is \$1.55 per offender.

11. The median cost for indigent defense per case is \$3,500 for a Class B felony, \$1,200 for a Class C felony, and \$1,000 for a Class D felony.
12. The average cost per felony case for the Judicial Branch ranges from \$200 to \$600, depending on whether a jury trial occurs. These figures include the costs of a District Court Judge, Clerk of Court staff, a court reporter and a court attendant. There is no impact on the Judicial Branch, as the decrease in Class D felonies will be offset by the increase in Class B felonies.

### **Correctional Impact**

During FY 2003, there will be six fewer convictions for Class D felony terrorism and six more convictions for Class B felony terrorism. There will be an increase and a decrease of six convictions for Class C felony terrorism, for a net change of zero. During FY 2004, and each year thereafter, there will be 12 fewer convictions for Class D felony terrorism and 12 more convictions for Class B felony terrorism.

There will be three offenders admitted to prison and the prison population will increase by three inmates during FY 2003. During FY 2004, and each year thereafter, admissions to prison will increase by six offenders. During FY 2004, the prison population will increase by 9 inmates; by FY 2007, the prison population will increase by 43 inmates.

Admissions to CBC probation supervision will decrease by three offenders in FY 2003, and by six offenders each year thereafter.

### **Fiscal Impact**

Senate File 2146 will result in additional costs to the General Fund of \$31,000 during FY 2003 and \$77,000 during FY 2004, as follows:

<u>Expenditures</u>	<u>FY 2003</u>	<u>FY 2004</u>
Indigent Defense	\$ 15,000	\$ 30,000
Prisons	18,000	53,000
CBC Supervision	- 2,000	- 6,000
Net Cost Increase	<u>\$ 31,000</u>	<u>\$ 77,000</u>

### **Sources**

Department of Corrections  
State Public Defender's Office  
Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Supreme Court of Iowa

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/s/ Dennis C Prouty

February 13, 2002

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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